

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

**PRETERM-CLEVELAND, INC.,  
et al.,**

**Plaintiffs,**

**V.**

**OHIO ATTORNEY GENERAL,**  
*et al.,*

**Defendants.**

**Case No. 1:19-CV-00360**

**Judge Michael R. Barrett**

**PLAINTIFFS' UNOPPOSED MOTION FOR VOLUNTARY DISMISSAL WITHOUT  
PREJUDICE**

Pursuant to Fed. R. Civ. P. 41(a)(2), Plaintiffs respectfully move this Court to dismiss this action without prejudice. Rule 41(a)(2) provides that, after the defendants have answered, “an action may be dismissed at the plaintiff’s request only by court order, on terms that the court considers proper” and that the dismissal is without prejudice unless the Court orders otherwise. Fed. R. Civ. P. 41(a)(2). The decision whether to grant voluntary dismissal without prejudice lies within this Court’s “sound discretion.” *Grover by Grover v. Eli Lilly & Co.*, 33 F.3d 716, 718 (6th Cir. 1994) (citing *Banque de Depots v. National Bank of Detroit*, 491 F.2d 753, 757 (6th Cir.1974)). Because Defendants will suffer no plain legal prejudice—in that Defendants have expended minimal effort in this case to date; Plaintiffs have been diligent in prosecuting this action; Plaintiffs have a sufficient reason for dismissal due to the U.S. Supreme Court’s decision in *Dobbs v. Jackson Women’s Health Organization*, No. 19-1392, 2022 WL 2276808 (June 24, 2022); and no motion for summary judgment has been filed by Defendants—a dismissal without

prejudice is warranted in this case. *Id.* (explaining that courts should consider these factors in deciding whether to dismiss a case without prejudice).

In exchange for the Plaintiffs' agreement not to seek fees or costs associated with this case, the Defendants have agreed not to oppose this motion. Since no party objects and no party will be prejudiced, Plaintiffs respectfully request that this Court grant their motion for voluntary dismissal without prejudice pursuant to Rule 41(a)(2).

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that I electronically filed the foregoing Plaintiffs' Unopposed Motion for Voluntary Dismissal Without Prejudice with the Clerk of Courts using the Court's authorized CM/ECF filing system on the 28th day of June, 2022, and notice of this filing will be sent to all attorneys of record by operation of the Court's electronic filing system.

/s/ B. Jessie Hill

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